vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8223 OF 2007

Manisha A. Patil ... Petitioner

V/s.

Electoral Registration Officer & ors. ... Respondents

Mr.Rajiv Patil i/b S.S. Punde for Petitioner
Mr.R.D. Rane, Government Pleader for Respondent No.3

CORAM: **J.N. PATEL &**
SMT.NISHITA MHATRE, JJ.

DATED: **NOVEMBER 19, 2007**

P.C.:

. Heard.

2. The petitioner has approached this Court seeking a writ of mandamus directing the Respondents to produce all papers, correspondence and documents pertaining to the impugned public notice dated 1.10.2007 and for further directions to remove certain restrictions in respect of the procedure required for registration of voters and direct the respondents to register all the voters from the Graduates' constituency by providing proper and complete infrastructure till declaration of election programme as per provisions of law and for ancillary reliefs. It is the case of the Petitioner that she applied for registering in the electoral rolls of Pune Division Graduates' constituency but it could not be done for want of production of original degree

certificate which is contrary to the Registration of Electors Rules 1960.

3. It is the contention of the Petitioner that it is the fundamental right of a voter and a candidate to register himself on electoral rolls and the substantial question of law which has been invoked in this petition is that the provisions of the Registration of Electors Rules, 1960 violate the fundamental right of the voters and candidates in the rural area of Maharashtra. Respondent No.1 has failed to provide sufficient infrastructure for the said purpose and the rules are unreasonable insofar as the candidates from the rural areas of Maharashtra are concerned and, therefore, they are discriminatory and ultra vires the provisions of the Constitution of India.

4. The learned Government Pleader submitted that the impugned notification is in consonance with Rule 31(4) of the Registration of Electors Rules 1960 and designated officers have been appointed for registration of voters at Taluka level. The public notice provides for the procedure and there is no such deficiency on the part of the respondents so as to deprive the petitioner to get herself registered as a voter in accordance with the Electors Rules 1960 nor are they unreasonable and that proper infrastructure is provided in the matter.

5. At the outset we may observe that the contention of the petitioner that it is a fundamental right of hers and similarly placed persons to get themselves registered as voters and candidates and contest elections as candidates in the Graduates' constituency is unfounded. The learned Counsel for the petitioner has not been able to show from any provisions of the Constitution of India which confers such a fundamental right on a citizen. We may clarify that it may be a statutory right but definitely not a fundamental right. Insofar as the grievance of the petitioner about the non availability of the infrastructure and unreasonableness in the Electors Rules 1960 is concerned, we do not find that the ground taken by the petitioner supports her contention.

6. We do not find any merit in the petition. The same is dismissed with costs which we quantify as Rs.5,000/-. The petitioner is directed to deposit the costs in this Court within two weeks from today out of which Rs.1,000/- to be credited to the account of Collector, Mumbai and the balance amount of Rs.4,000/- to be credited in the account of High Court Legal Aid Committee.

(J.N. PATEL, J.)

(SMT.NISHITA MHATRE, J.)